

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>MAXUS METROPOLITAN, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No: 20-cv-00095-FJG</b>
	)	
<b>TRAVELERS PROPERTY CASUALTY</b>	)	
<b>COMPANY OF AMERICA,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF DEPOSITION OF RULE 30(b)(6)  
REPRESENTATIVE OF RESOURCE CONSTRUCTION, LLC**

Please take notice that on the date and time identified below, Defendant Travelers Property Casualty Company of America will take the deposition testimony upon oral examination of Sean Fee, corporate representative of Resource Construction, LLC (“Resource”) pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure as to the topics described in Exhibit A before a notary public or some other officer authorized to administer oaths, for the purpose of discovery or for use as evidence in the trial of this action, or for both purposes.

**DEPONENT:** Sean Fee, corporate representative of Resource

**DATE:** March 4, 2021

**TIME:** 9:00 a.m. CST

**LOCATION:** via Zoom

Respectfully submitted,

s/Brenen G. Ely  
Brenen G. Ely (*pro hac vice*)  
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Attorneys for Defendant Travelers Property Casualty  
Company of America

## **Exhibit A**

### **Definitions**

1. The terms “you,” “your,” and “Resource” refer to Resource Construction, LLC including, but not limited to, any of its employees, board members, agents, representatives, attorneys, appraisers, consultants, or any other person acting or purporting to act on its behalf, now or in the past.

2. The term “Maxus” refers to Maxus Metropolitan, LLC including, but not limited to, any of its employees (*e.g.*, Alex Stehl), board members, agents, representatives, attorneys, appraisers, experts, consultants, related entities, or any other person or entity acting or purporting to act on its behalf, now or in the past.

3. The term “Bomasada” refers to Bomasada Group, Inc.; Bomasada Birmingham Nationwide, LLC; Bomasada Birmingham Metropolitan, LLC; and/or Bomasada BHM Construction, LLC (collectively, “Bomasada”) including, but not limited to, any of its employees (*e.g.*, Woody Robertson), board members (*e.g.*, John Holloway, Stuart Fred), agents, representatives, attorneys, appraisers, experts, consultants, or any other person acting or purporting to act on its behalf, now or in the past.

4. The term “FBS” refers to Forensic Building Science, Inc. including, but not limited to, any of its employees (*e.g.*, Tom Irmiter, Franklin Martin), board members, agents, representatives, attorneys, appraisers, experts, consultants, related entities, or any other person or entity acting or purporting to act on its behalf, now or in the past.

5. The term “BCCM” refers to BCCM Construction Group, Inc. including, but not limited to, any of its employees (*e.g.*, Ron McCrea), board members, agents, representatives,

attorneys, appraisers, experts, consultants, related entities, or any other person or entity acting or purporting to act on its behalf, now or in the past.

6. The term “Metropolitan” refers to the Metropolitan Apartments located at or about 2900 7<sup>th</sup> Avenue South, Birmingham, Alabama 35233.

### **Matters for Examination**

1. Resource’s role and scope of work in connection with the construction, re-construction, remediation, and/or repair of the Metropolitan.

2. Internal communications and/or correspondence regarding the Metropolitan.

3. Communications and/or correspondence between Resource and Maxus regarding the Metropolitan.

4. Communications and/or correspondence between Resource and Bomasada regarding the Metropolitan.

5. Communications and/or correspondence between Resource and FBS regarding the Metropolitan.

6. Communications and/or correspondence between Resource and BCCM regarding the Metropolitan.

7. Communications and/or correspondence between Resource and any other third party regarding the Metropolitan.

8. Communications and/or correspondence between Resource and any third parties regarding any proposals or quotes for moisture, mold, soot, char, or other environmental testing on any part of the Metropolitan.

9. Resource’s knowledge and understanding of FBS directives for work performed at the Metropolitan.

10. Work performed by Resource per FBS directives.
11. Your knowledge of water infiltration occurring at the Metropolitan.
12. Contracts entered into by and between Resource and any party related to work performed at the Metropolitan.
13. Your knowledge of investigations and/or inspections of the Metropolitan.
14. Your knowledge of the insurance claim at issue in this action.
15. Your knowledge of any insurance claim related to property damage occurring at the Metropolitan.
16. Each aspect of work completed by Resource at the Metropolitan.

### **CERTIFICATE OF SERVICE**

I do hereby certify that on March 2, 2021, I electronically submitted the foregoing with the Clerk of the Court for the United States District Court for the Western District of Missouri using the CM/ECF system, which will send a Notice of Electronic Filing to the following counsel of record:

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s/Brenen G. Ely  
OF COUNSEL